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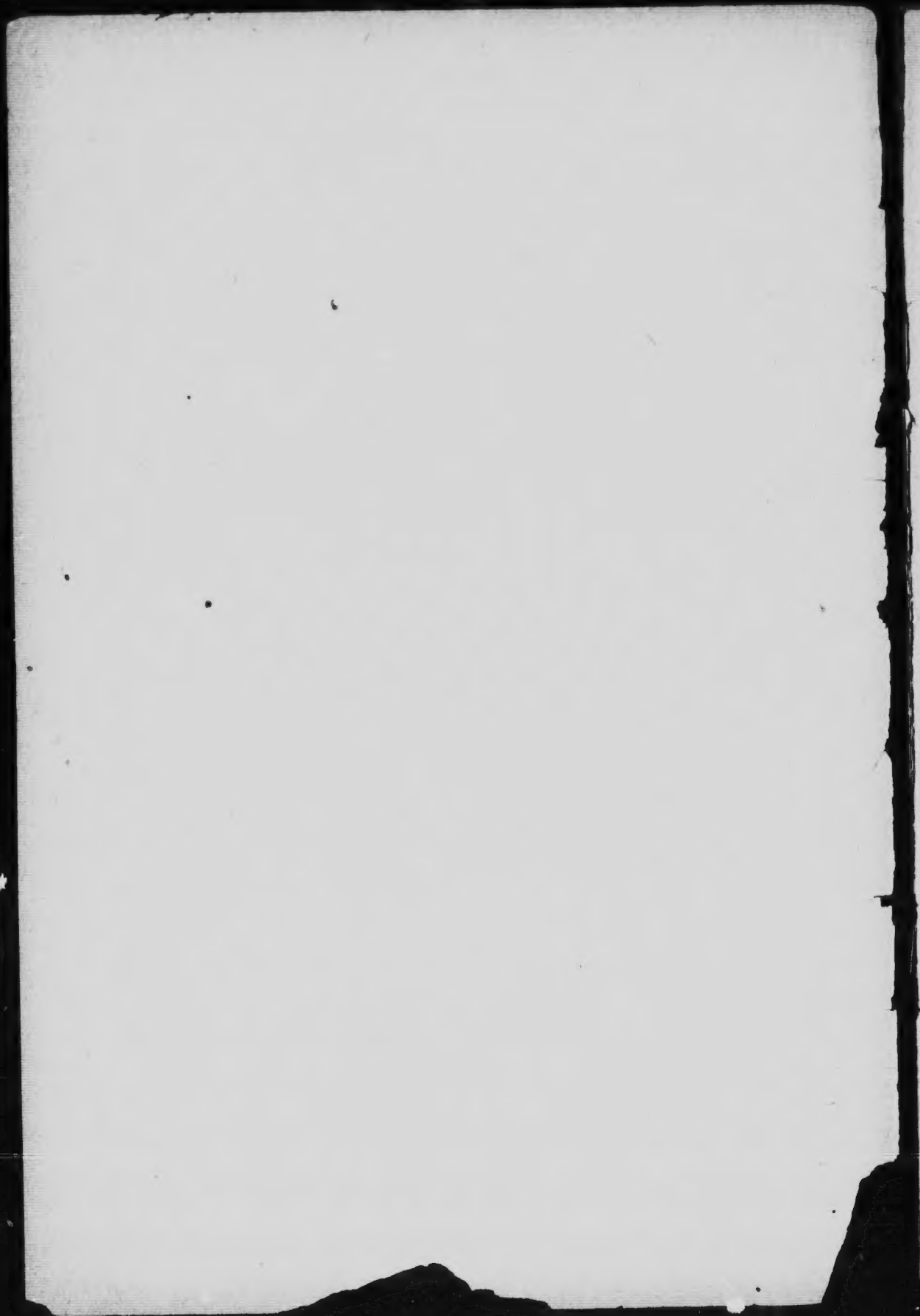
LAWS RELATING 25 TO LABOR

RECORD OF THE LIBERAL GOVERNMENT ON LABOR LEGISLATION

A PROGRESSIVE POLICY IN WHICH ONTARIO LEADS

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THE LAWS RELATING TO LABOR.

That the claims of labor have always been the concern of the Liberal Party in Ontario is evidenced by the legislation on their behalf, ever since their accession to power. Their sympathy and effort antedated their term of office; for the records show that an Act respecting mechanics and wage-earners liens was introduced by Adam Crooks in 1871 (Sanfield Macdonald then being in power) but was defeated on its second reading. This Act was again introduced in 1873, shortly after the Liberal Government assumed the reins of power, and became law, since which time continuous legislation has been enacted, as the appended chronology of Ontario Labor Laws will show:

CHRONOLOGY OF ONTARIO'S LABOR LAWS.

Apprentices and Minors' Act. Passed, 1871—Amended, 1874. Chap. 161, R.S.O., 1897.

Mechanics' and Wage-Earners' Liens. Passed, 1873—Amended, 1874, 1878, 1882, 1884, 1887, 1890, 1896, 1897. Cap. 153, R.S.O., 1897.

P.S. This Act was first introduced by Mr. Adam Crooks (then in Opposition) in 1871, and was thrown out on its second reading.

Master and Servant Act. Passed, 1873—Amended, 1886. Cap. 157, R.S.O., 1897.

Immigration Aid Societies Act. Passed, 1873. Cap. 212, R.S.O., 1897.

Act to Facilitate the Adjustment of Disputes between Masters and Workmen. Passed, 1873. Cap. 159, R.S.O., 1897.

Act Respecting Innkeepers. Passed, 1874—Amended, 1882. Cap. 187, R.S.O., 1897.

Act Respecting Public Meetings. Cap. 230, R.S.O., 1897.

Act Respecting Threshing Machines. Passed, 1874. Cap. 265, R.S.O., 1897.

Act Respecting Co-Operative Associations. Passed, 1880—Amended, 1884, Cap. 202, R.S.O., 1897.

Act Respecting Safety of Railway Employees. Passed, 1881. Cap. 207, R.S.O., 1897.

Act Respecting Accidents to Employees on Railways. Passed, 1881. Cap. 266, R.S.O., 1897.

Bureau of Industries. Established, 1882.

Act Respecting Pawnbrokers. Passed, 1884. Cap. 188, R.S.O., 1897.

Factories Act. Passed, 1884—Amended 1887, 1889, 1895. Cap. 246, R.S.O., 1897. Further Amended, 1901-1902.

Act Respecting Wages. Passed, 1888. Cap. 156, R.S.O., 1897.

Workmen's Compensation for Injuries Act. Passed, 1886—Amended 1887, 1893, 1896, 1899. Cap. 160, R.S.O., 1897.

Lord's Day Observance Act. Passed, 1885. Cap. 246, R.S.O., 1897.

Shops Regulation Act. Passed, 1888—Amended 1889-1897. Cap. 257, R.S.O., 1897. Further amended, 1900, 1901.

Egress from Public Buildings. Passed, 1888. Cap. 263, R.S.O., 1897.

Trades Dispute Act. Passed, 1890—Amended 1894, 1897. Cap. 158, R.S.O., 1897. Further amended, 1902.

THE LAWS RELATING TO LABOR.

- Woodman's Lien Act. Passed, 1891—Amended 1894, 1896, 1897, 1899. Cap. 154, R.S.O., 1897.
- Miners Act. Passed, 1892. Cap. 36, R.S.O., 1897.
- Matters under Municipal Act. 1892, 18. , 1894, 1895, 1898. Cap. 223, R.S.O., 1897.
- Insurance by Trade Unions. Passed, 1892—Amended 1897. Cap. 203, R.S.O., 1897.
- Act Respecting School for Artisans. Passed, 1892—Amended, 1895. Cap. 223, R.S.O., 1897.
- Act Respecting Lien for Wages on Street Railways. Passed, 1895. Cap. 208, R.S.O., 1897.
- Labor on Public Works. Passed, 1896—Amended, 1897. Cap. 155 R.S.O., 1897.
- Act Respecting Liability of Directors' Companies for Wages. Passed, 1896. Sec. 85, Cap. 191, R.S.O., 1897.
- Act Respecting Liability of Mining Companies for Wages. Passed, 1896. Cap. 197, R.S.O., 1897.
- Act Respecting Technical Schools. Passed, 1897.
- Act Respecting Immigration of Children. Passed, 1897. Cap. 262, R.S.O., 1897.
- Resolution Respecting Fair Wages on Public Works. Passed, 1900.
- Act Creating Bureau of Labor. Passed, 1900.

MECHANICS' LIEN.

The Mechanics' Lien Act of 1873 was passed soon after the Liberal Government assumed office, and was intended to protect mechanics, machinists, builders, miners and contractors from loss on account of labor or material furnished in the erection of buildings or the construction of machinery. The Act not merely recognizes the new form of liability, but provides the means for establishing and enforcing claims arising out of it. The original Statute has been several times amended, with a view to make it more simple and perfect in its working.

An Act to further facilitate the enforcement of the just rights of wage-earners and sub-contractors, enacted in 1893, provides that "every device by any owner or contractor, which shall be adopted in order to defeat the priority of wage-earners for their wages under the several Acts relating to mechanics' liens, shall, as respects such wage-earners, be null and void." Another section provides, that "in the case of wages due to any mechanic, laborer or other person, in respect of work referred to in the 4th section of the Mechanics' Lien Act, the jurisdiction of a police magistrate in a city under the Act respecting Master and Servant, shall extend to wages for thirty days, or for a balance equal to the wages of thirty days, though the same, or the balance thereof, exceed the sum of \$40 in the said section mentioned." It is also provided that "where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to

the current rate of wages in the city, in like cases, or according to what may appear to be a just and reasonable allowance," and "any order of a city police magistrate for the payment of such wages as aforesaid, shall be payable forthwith."

This Act was consolidated, amended and greatly enlarged in its scope by chapter 35 of the Act of 1896, which may be cited as the Mechanics' and Wage-Earners' Lien Act, 1896. It was extended and made specially and particularly applicable to railway companies and all bodies corporate, including municipal corporations, and to the case of work done upon the property of married women with the consent of the husband. The Act now covers almost every case.

By section 7 insurance on property destroyed by fire in respect of which there is a lien is bound also to the extent of the lien.

By section 10 the owner of the property is required to retain from the contractor for the purpose of satisfying liens under the Act, for a period of thirty days after the completion or abandonment of the contract, 20 per cent. of the value of the work, service, or material done or supplied. Where the contract exceeds \$15,000 the amount to be retained must be 15 per cent.

By section 12 it is declared that the lien created by the Act shall have priority over all judgments, executions, assignments, attachments, and garnishments issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien.

By section 13 special preference is given for thirty days' wages to the earnings of the mechanic or laborer, and re-enacts the important clause in 56 Vic., c. 24, which is as follows:

"Every device by any owner, contractor or sub-contractor adopted to defeat the priority given to wage-earners for their wages by this Act shall, as respects such wage-earners, be null and void."

By the same section (sub-section 6) "wages" are defined to extend to moneys earned by piece-work as well as to work by the day.

By section 14 it is provided that any payment made for the purpose of defeating a claim for a lien shall be null and void.

By section 16 a claim must be registered in the registry office of the county where the land lies.

By section 17 it is provided that any number of persons may join in one registration of claims; and no claim is to be invalidated (sec. 18) by reason of want of formality. The fee for registration is 25 cents (sec. 19).

By section 21, claims must be registered within 30 days from the completion of the contract or work or during its performance.

Section 30 provides that any number of lien-holders having claims may join in one action.

By section 31 the Master-in-Ordinary, or Local Master, or

Official Referee, or a Judge of the County Court, may summarily try the case.

By section 37 no stamps are to be paid on a claim for wages, and but one dollar per hundred on any other claim up to one thousand dollars.

This new Act as amended appears to be entirely satisfactory to the public, as complaints which were many and numerous against the old Acts are not continued as to the present one.

MASTER AND SERVANT ACT.

In the same year (1873) an Act was passed providing that no voluntary contract of services or indentures entered into by any parties shall be binding on them, or either of them, for a longer time than a term of nine years from the day of the date of such contract. Where an agreement is entered into between the master and the servant, by which a definite share of the profits or proceeds of a business is allotted to a servant, either in lieu of or additional to his salary, wages or other remuneration, and such agreement not creating any relation in the nature of a partnership, such agreement shall be deemed lawful, provided that in such case the servant must accept the statement of the said master as to proceeds involved in the agreement, and shall not have power to examine accounts of said master.

An agreement, whether verbal or written, entered into between master and servant for the performance of any duty or service whatsoever shall be binding, but a verbal agreement shall not exceed the term of one year.

The Act also provides that no tavern-keeper or boarding-house keeper shall keep the wearing apparel of any servant or laborer in pledge for an expense incurred to a greater amount than \$6, and shall surrender immediately any goods kept by said tavern or boarding-house keeper under such circumstances upon the tender of said \$6 or less sum. This does not apply to other property of the servant or laborer.

Any agreement, verbal or written, between any person and any other person not a resident of Canada, for the performance of service or labor in the Province of Ontario, shall be void and of no effect as against the person only migrating or coming. This provision does not apply to teachers, professional actors, artists, lecturers or singers, or to such skilled workmen as are not procurable in Canada.

Proceedings may be taken under this Act for the collection of wages within one month after the engagement or employment has ceased, or within one month after the last instalment of wages under the agreement of hiring has become due. Where proceedings are taken under this Act before a police magistrate, and pay-

ment of wages is ordered by him to be made by the master or employer to the servant or laborer, and the same are not paid within the time limited by the order, the same proceedings may be taken by the person claiming the benefit of the order as may be taken by a party having an unsatisfied judgment or order in the Division Court for the payment of any debt, damages or costs, as respects the examination of the judgment debtor touching his estate and effects, the means he has of discharging his liability, and the disposal he has made of any property, and the police magistrate shall have the like power and authority to enforce payment of the debt as are possessed by the Division Court Judge in like cases. The police magistrate may also, if he thinks fit, name in the order for payment of wages such time not exceeding twenty or thirty days, as to him may seem just and reasonable for the payment of the same and costs, and in case of non-payment within such time the complainant shall be entitled to take forthwith the proceedings for enforcement provided by the Division Court Act with respect to judgment debtors.

In the case of wages due, and no specific rate has expressly been agreed upon between the parties, the police magistrate has the power to fix the rate on the basis of the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance.

Every agreement or bargain, verbal or written, expressed or implied, entered into, having for its object the waiving of the provisions of this Act, is declared null and void and of no effect as against any workman, servant, laborer, mechanic or other person.

INDUSTRIAL DISPUTES.

Sir Oliver Mowat, still continuing on the line indicated in his Toronto speech of January, 1879, during the session of the Ontario Legislature of 1894, introduced and had passed into law, "An Act respecting Councils of Conciliation and Arbitration, for settling industrial disputes." This is admittedly an important Statute, containing among its provisions the best of those to be found in measures of like character in the United Kingdom, New South Wales, British Columbia, Nova Scotia and France. The preamble to this law declares that "there is reason to believe that the establishment of Councils of Conciliation and Arbitration for the friendly settlement of disputes between employers and their employees would conduce to the cultivation and maintenance of better relations and more active sympathy between employers and their employees, and would be of benefit in the public interest by providing simple methods for the prevention of strikes and lock-outs, from which industrial operations and the welfare of the country generally may suffer injury."

In this Act, the word "employee" means any person or persons in the employment of an employer, as defined by this Act.

A claim or dispute under this Act shall include any of the matters following as to which there is a disagreement between any employer and his employees:

(1) The price to be paid for work done, or in the course of being done, whether such disagreement shall have arisen with respect to wages or to the hours or times of working.

(2) Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workman-like manner, or according to agreement; or a dispute respecting materials supplied to employees and alleged to be bad, or unfit, or unsuitable.

(3) The price to be paid for mining any mineral or substance mined or obtained by mining, hewing, quarrying or other process; or the allowances, if any, to be made for bands, refuse, faults or other causes whereby the mining of the mineral substance is impeded.

(4) The performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not.

(5) Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind.

(6) Ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places.

(7) The dismissal or employment under agreement of any employee or number of employees.

(8) The dismissal of an employee or employees for their connection with any trade or labor organization.

(9) No claim or dispute shall be the subject of conciliation or arbitration under the Act in any case in which the employees affected by such claim or dispute shall be fewer in number than ten. N.S.W., s. 24; B.C., s. 28.

A Council of Conciliation for the purposes of any dispute or claim, shall consist of four conciliators, two to be nominated by each of the parties to the dispute.

A dispute or claim within the meaning of this Act may be referred for settlement to a Council of Conciliation in the cases following:

The parties to the dispute or claim may jointly agree, in the prescribed manner, to refer such disputes or claim for settlement to a Council of Conciliation. The Act also provides that there shall be two councils of arbitration, one for the settlement of disputes and claims between railway companies (including street railway

companies) and their employees, both in respect of railway construction or traffic on railways, and a Council of Arbitration for the settlement by award in respect of disputes and claims other than between railway companies and wage-earners employed in respect of railway construction or traffic.

Each council shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employers, and one to be appointed by him on the recommendation of the employees. The third member to be appointed shall be President of the Council, and may be appointed by the Lieutenant-Governor on the recommendation of the two members already appointed, within twenty-one days of their appointment. Failing this, the Lieutenant-Governor shall appoint as President of the Council, an impartial person, not likely to be biased in favor of or against employers or employees. The same person may be President of both Councils.

As soon as practicable after the appointments have been made, the names of the members of the Council shall be notified by the registrar in the *Ontario Gazette*. The Lieutenant-Governor may cancel the appointment of any member on the recommendation of the authority by which his appointment was recommended. The term of office of a member of a council shall be two years; and at the end of every term of two years a fresh appointment of members shall be made in manner aforesaid. Every member shall be eligible for reappointment.

For the person to be recommended by the employers every employer in the Province, having at least ten persons in his employment, shall be entitled to one vote; every organization in the Province, whether incorporated or unincorporated, representing the interests of employers, each member of which has at least ten persons in his employment, shall be entitled to one vote. Every Board of Trade in the Province, legally constituted, shall be entitled to one vote for a representative of the employers in each Council.

For the person to be recommended by employees in matters not belonging to railways, every trades and labor council, every district assembly of the Knights of Labor, every federated Council of building trades, every lawfully incorporated trades union, every organization of wage-earners of an industrial calling primarily constituted for, and actually and bona fide operated for the regulation of the wages and hours of labor as between employers and employed, shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies formed under the Revised Statute respecting Co-operative Associations. For choosing the person to be recommended by employees of railway companies as a member of the Council of Arbitration in matters belonging to railways, every organization in the Province, whether incorporated

or unincorporated, exclusively representing the interest of wage-earners employed in respect of railway construction or traffic on railways shall be entitled to one vote; but this shall not be deemed to include co-operative societies or associations.

An Act passed in 1874 for the purpose of affording protection to drivers and those working around horse power threshing machines provides that all persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, coupling and joints, etc., of such tumbling rod or line of shafting, to be safely boxed or secured while running, with wood, leather, or metal covering, in such manner as will prevent injury to persons passing over or near such tumbling rod, etc., and shall cause all oil cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belt so as to prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power used for driving machinery, of such size as to cover the gearing and to prevent accidents to any persons from contact with said gearing.

Any person who refuses to comply with the provisions of this Act shall be liable to a fine of not less than \$1, nor more than \$20, over and above the cost of prosecution, and in default of payment shall be imprisoned in the nearest common gaol for a period of not less than two or more than twenty days.

RAILWAY ACCIDENT ACT.

During the Session of 1881 the Legislative Assembly appointed a special committee to enquire into the causes of the loss of life from accidents on railways. Much valuable information gathered and valuable suggestions offered by this committee were at the following session embodied in an Act to make provision for the safety of railway employees and the public. The preamble to the Act reads as follows:

"Whereas frequent accidents to railway servants and others are occasioned by the neglect of railway companies to provide a fair and reasonable measure of protection against their occurrence; and whereas a proper construction and maintenance of railway frogs, wing rails, guard rails and freight cars would greatly lessen, if not entirely prevent, the happening of such accidents."

The Act specifies the improvements which railway companies are required to make in their bridges, tracks, and freight cars; and in the event of accidents to their employees caused by failure to do so, the latter are placed in as good a position, with respect to the right of compensation, as if they had not been in the company's

employ; in other words, the great principle embodied in this Act, securing compensation for injuries, is anticipated by this provision of the Railway Accident Act; just as the principle that railway companies and factory proprietors should be compelled to make proper provision for the safety of the public was anticipated by the Act of 1874, which requires the owners of machines to properly guard those parts likely to cause injury to persons coming in contact with them.

ACT RESPECTING PAWNBROKERS.

In 1884, in consonance with the policy of the Liberal Government to afford protection to wage-earners, an Act was passed defining rates of interest, within reasonable bounds, to be charged by pawnbrokers, together with other regulations that ensured a fair measure of protection to that class who by force of circumstances had cause to resort to such means of trade.

[THE FACTORIES ACT.]

An Act for the protection of persons employed in factories was passed in 1884. It contained a proviso that it should not come into force until proclamation should be made by the Lieutenant-Governor, the object being to secure, either by convenient Dominion legislation or by a decision of the Supreme Court, that the validity of the law would not be disputed. All efforts to induce the Dominion Government to aid in removing the uncertainty having failed, the necessary proclamation was issued in October, 1886, and the "Ontario Factories Act, 1884," became law. It provides among other things—(1) That the employment in a factory of a child, a young girl, or a woman in such a way that their health is likely to be permanently injured, shall be an offence punishable by imprisonment or fine. (2) That no child under fourteen shall be employed in any factory, and children under fourteen, and women, shall not be employed more than ten hours a day, or 60 hours a week. (3) That women and children shall not be allowed to clean machinery while it is in motion. (4) That working extra hours in a time of emergency shall be done only with the consent of the Inspector under the Act. (5) That factories shall be kept in proper sanitary condition. (6) That machinery and other sources of danger to employees shall be properly guarded. (7) That each factory shall be supplied with the means of extinguishing fires and also with fire-escapes, if the building is two stories in height, and where deemed necessary by the Inspector for buildings of one story—this latter provision *re* fire-escapes is provided for by amendment of 1901—which also provides for a sufficient number of tower stairways with iron doorways within easy communication of all working rooms. (8) That the Inspector shall be notified promptly when loss of life results to employees through

fire or accident. The Act clothes the Inspector with the powers necessary to enable him to discharge his duties efficiently, and provides a simple means of enforcing its provisions. Appended to it is a schedule containing a list of the different kinds of factories that come under its operation, and it is provided that the Lieutenant-Governor-in-Council may add to, or take away from, that list by proclamation in the *Ontario Gazette*. The putting of this admirable measure into operation places the factory laborers of Ontario in as good a position in the matter of protection as is enjoyed by such laborers in any country in the world.

An Act analogous in its provisions to the Factory Act was passed in 1888, which gave power to Municipal Councils, on application of three-fourths of the employers in any class of shops, to pass by-laws for the closing of all such shops at the hours mentioned in the application. This has the effect of shortening the hours during which children and young persons may be confined in such shops. It also ordered that seats be provided for female employees, also, that no young person shall be employed in or about any shop longer than 74 hours, including meal hours, in any one week, nor longer than fourteen, including meal hours, on any Saturday, notice to this effect to be posted up in the shop. This provision not to apply in cases in which the employees are members of the families of the employers. This Act was amended in certain of its provisions in 1889.

In 1889 an amendment to the Factories Act made several new and most important changes, governing and for the protection of young persons engaged in factories, gave a detailed list of lines of business to which the Act applied, and, most important of all, subsection 2 of section 3 of this Act of 1889 declares that "Section 2 of the principal Act is hereby amended by omitting therefrom the words "Provided that where not more than *twenty* persons are employed in any place coming within the foregoing definition of a factory," and inserting instead thereof the words "provided that where not more than *five* persons are employed in any place coming within the foregoing definition of a factory."

The amendments of 1901, and also the present year, 1902, further provide for more stringent safeguards against danger of fire, also enlarges the power and scope of the inspectors, and provides for boiler inspection.

WORK AND WAGES.

In 1873 two Acts were passed, one intended to facilitate agreements between masters and workmen for participation in profits; the other intended to facilitate the adjustment of disputes between masters and workmen. With reference to these two measures and the Mechanics' Lien Act passed in the same session, Hon. Attorney-

General Mowat made the following remarks in a speech delivered in Toronto on the 8th of January, 1879 :

" We have passed laws securing to mechanics, laborers, and others, a lien for their pay on the property on which their labor is expended or their material used, so far as this seemed practicable without prejudice to persons not concerned in the transaction. We have passed laws in the interest of masters and workmen, for facilitating agreements between them for sharing the profits of the business in which they may be engaged. The object of these laws is of great importance to the working classes. It is by such means that their status is to be raised. Those who have given attention to this subject seem to be unaware of any method by which so large an amount of good can be looked for to the great mass of our working population as some method which may enable them somehow to share the profits of the business in which they are employed. In framing these laws we had the advantage of what had been done elsewhere, and we have placed on the Statute Book the best laws that the example or experience of other places enabled us to devise.

" We have also passed a law to facilitate, by means of machinery found useful elsewhere, the amicable settlement of disputes between employers and employed."

In 1885 an Act was passed which is of great importance as affording valuable protection to workmen in respect of wages. It provides that when a debtor makes an assignment of real or personal property for the general benefit of his creditors, an exception shall be made in favor of persons in his employment at, or immediately before, the time of the assignment, who shall be paid in full up to three months' wages or salary, and be entitled to take rank as general creditors for the remainder of the amount due them. A similar provision is made to apply to the distribution of the assets of a company in process of liquidation under "The Joint Stock Companies' Winding-up Act," and to the settlement of claims under "The Creditors' Relief Act, 1880." The measure applies to all wage-earners, whether by the day, the week, the piece or otherwise.

No less valuable was an Act of 1889, providing that where proceedings under the Act respecting master and servant are taken before a police magistrate and payment of wages is ordered by him to be made by the master or employer to the servant or laborer, and the same are not paid within the time limited by the order, the same proceedings may be taken by the person claiming the benefit of the order, as may be taken by a party having an unsatisfied judgment or order in a division court for the payment of any debt, damages or costs as respects the examination of the judgment debtor touching his estate and effects, the means he has of discharging his liability, and the disposal he has made of any property ; and the police magistrate shall have the like power and

authority to enforce payment of the debt as are possessed by the Division Court Judge in like cases. The police magistrate may also, if he thinks fit, name in the order for payment of wages, such time, not exceeding twenty-one days, as to him may seem just and reasonable for the payment of the same and costs, and in case of non-payment within such time, the complainant shall be entitled to take forthwith the proceedings for enforcement provided by the Act respecting master and servant, and this Act.

Section 12, chapter 139, of the Revised Statutes of Ontario, 1897, provides that one or more Justices of the Peace, upon the oath of a servant or laborer against his master or employer concerning any non-payment of wages, may summon the master or employer to appear before him or them, and he and they, upon due proof of the cause or complaint, may discharge the servant or laborer from the service of the employment of the master, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$40, and the justice or justices shall make such order for payment of the said wages as to him seems just and reasonable, with costs, and in case of the non-payment of the same, together with the costs, for the space of twenty-one days after such an order, a warrant of distress shall be issued for the levying of the wages, together with the costs of conviction and of the distress. By an Act passed in 1891, the foregoing was amended by expunging the words "twenty-one days" and substituting therefor the words "eight days."

Another statute that calls for notice in this connection is one passed in 1874, which enacts that the wages or salary due to a laborer, mechanic or servant, shall not be liable to seizure, or attachment, or garnishment for debt, unless the sum due to him exceeds \$25, and then only for the amount of such excess. The object in view is to prevent the wage-earner from being left entirely penniless; a reasonable relief in view of all the law has done for other classes of debtors.

In 1891 the Woodman's Lien for Wages Act became law, and under its provisions any person performing any labor, service or services in connection with any logs or timber in the districts of Algoma, Thunder Bay and Rainy River, shall have a lien thereon for the amount due for such labor, service or services, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or charge which the Crown may have upon such logs or timber.

The Woodman's Lien for Wages Act (1891) was in 1895 extended and made to apply to Algoma, Thunder Bay, Rainy River, Muskoka and Parry Sound, and in 1896 to the provisional County of Haliburton, and a new clause was included in the Act of 1896 providing that any contractor who has entered into any agreement

under the terms on which he has cut, removed, taken out and driven, for any licensee of the Crown, by himself or by others in his employ, any logs or timber into the water at or near Lake Superior, the Georgian Bay, Lake Huron or the Saint Mary's River, for export in the log out of the Province of Ontario, shall be deemed to be a person performing labor, service or service upon logs or timber within the meaning of the "Woodman's Lien for Wages Act."

CREDITORS' RELIEF ACT.

With the object of better securing the wages of employees in cases coming under the provisions of "The Creditors' Relief Act of 1892," the Act respecting wages was amended by providing that—"All persons in the employment of the execution debtor at the time of the seizure by the sheriff, or within one month prior thereto shall be entitled to be paid the wages or salary due them by the execution debtor, not exceeding three months' wages or salary, in priority to the claims of other creditors." This applies whether the employment in respect of which the wages is payable be by the day, by the week, by the job or piece, or otherwise.

EMPLOYER'S LIABILITY.

For years past in England an Act of Parliament has been in force which makes employers liable under certain circumstances for injuries to their employees. The Act originally passed was, at the instance of the House of Lords, limited in its operation to five years, in order that the principle might be thoroughly applied. The measure was carefully watched and judiciously criticized from time to time by the labor organizations of Great Britain, and in the main favorable to the bill, which, with certain exceptions, proved satisfactory. The English bill was placed on a permanent basis in 1897, with many previous defects removed.

At the session of 1886 an Act was passed by the Ontario Legislature to secure compensation to workmen in certain cases of personal injuries caused (1) By defective machinery or works; (2) By negligence of fellow-employees entrusted with the duty of superintendence; (3) By conforming to the orders of fellow-employees placed in authority; (4) By the operation of the employer's regulations; (5) or by the negligence of railway signal men.

The different kind of defects that make a railway company liable are specified and the maximum amount of compensation is fixed at three years' earnings. Contracting out of the liability is not allowed, except when there is some other consideration than being taken into employment, which consideration must be, in the opinion of the court trying, an action "ample and adequate," and on the side of the workman, not improvident, but just and reasonable. This Act provides a simple method of enforcing claims arising

ing under it. An amendment of 1887 applied the provision of the Act to railway companies and employers who had established provident and insurance societies for their men, even though the workmen injured had not connected themselves with such societies.

A further amendment in 1889 makes the employer for whom the work is done, as well as the contractor, liable for injuries received by the workmen, it being provided, however, that double compensation shall not be recoverable for the same injury. This amendment also provides that even if the workman was aware of the defect or negligence which caused his injury, he should not therefore be deemed to have voluntarily incurred the risk of being injured.

At the session of 1892 all the Acts just referred to were consolidated into one.

In the session of 1893 this Act was still further amended by repealing sub-section 3 of section 2 of the Act of the year before, and substituting therefor: (3) "Workman does not include a domestic or menial servant, or servant in husbandry, gardening or fruit-growing, where the personal injury caused to any such servant has been occasioned by or has arisen from or in the usual course of his work or employment, as a domestic or menial servant or as a servant in husbandry, gardening or fruit-growing, but, save as aforesaid, means any railway servant, and any person who being a laborer, servant, journeyman, artificer, handicraftsman, hired or otherwise engaged in manual labor, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labor."

This Act, by an amendment of 1899, gives the choice of settlement of claims for injuries, under the Act, by either action or arbitration, subject to appeal by either party to the High Court of Justice.

In 1899, Professor Mavor, of the Toronto University, was commissioned by the Ontario Government to investigate and report on the working of "Employers' Liability Acts of Europe," who reported March, 1900.

The Ontario Act is generally conceded by the workers of the Province to contain all the best elements of the Old Country legislation on this matter, and is regarded as the best Act, *re* Workmen's Compensation for Injuries, extant.

SHOPS REGULATION ACT.

"An Act respecting Shops and Places other than Factories" (1897) is practically a consolidation and amendment, in some

instances, of the Ontario Shops Regulation Act (1888), "An Act for the protection of persons employed in places of business, other than factories" (1892), "An Act for the further protection of persons employed in places of business, other than factories" (1895), and "An Act Respecting Bakeshops" (1896). Some of the more important sections of the Acts just mentioned, amended by the Act of the Session of 1897, are as follows:

The Act defines "shop" to mean any building or room where goods are handled, sold or manufactured, to which the Ontario Factories Act does not apply, and laundries not run by steam, water-power or electric power; but shall not include any place where the only trade or business carried on is that of a tobacconist, news agent, hotel, inn, tavern or premises where liquor is sold by retail.

The Act further provides that no person under ten years of age shall be employed in any shop, and that no child, young girl or woman shall be employed in or about a shop on any day of the week except Saturday, or the day next before a statutory holiday, before seven in the morning or after six in the evening; nor shall they be employed in a shop on Saturday or the day next before a statutory holiday, before seven in the morning or after ten in the evening. Provided that such person may be employed on one day per week other than Saturday, or the day before a statutory holiday, until ten o'clock in the evening, but shall not in such case be so employed on Saturday evening later than six o'clock. Every such person shall be allowed not less than one hour for a noonday meal each day; and when employed after six in the evening, not less than forty-five minutes for another evening meal.

The occupier of the shop in which females are employed shall provide a seat for every such female and permit of its use when she is not necessarily engaged; and any employer who prevents this by open or covert threat, rule or intention, or by any contrivance, shall be liable to a fine of not less than ten dollars, and not more than twenty-five dollars with costs; and in default, by imprisonment in a common gaol for not less than one month nor more than three months.

Any owner of premises who has control thereof, or right of access thereto, who lets or hires out, or contracts for work to be done therein by any other person, and such other person engages or employs therein any workman, child, young girl or woman, for the performance of such work, they shall be considered as being in the service and employment of such owner, tenant, or occupier.

A part of a shop is to be taken for the purposes of the Act as a separate shop.

An employer shall provide a suitable room in the shop for the purpose of a dining or eating room for the persons employed in the shop where the Inspector so directs.

The shop is to be sufficiently ventilated, kept clean, and free from effluvia, is not to be overcrowded, and shall have in connection therewith a sufficient number of closets for the employees, which shall be kept clean and well ventilated.

Besides the present requirements as to fire-escapes, in cases of shops over two stories high, a wire or other rope for every window in the room shall be provided, if the Inspector shall so require, the rope to be not less than three-quarters of an inch in thickness, and of sufficient length to reach to the ground. Fastenings shall also be provided for the rope at each window, and the rope shall be kept in a coil in the room.

Regulations may be made by the Lieutenant-Governor for enforcing the Act, and Inspectors—male or female—may be appointed as may be found necessary.

Informations are to be laid within two months after their committal, or within three months where the offence is punishable by imprisonment.

A conviction shall not be removed by *certiorari* or otherwise into a higher court, and all prosecutions may be brought or heard before any two of Her Majesty's Justices of the Peace.

ACT RESPECTING BAKE-SHOPS.

An Act respecting bake-shops (1896) was entirely new. It defined that the word "bake-shop" shall mean any building, premises, workshop, structure, room or place, wherein is carried on the manufacture for sale of confectionery or of bread, biscuits, cakes, or any other food product made from flour or from meal, or from both, in whole or in part, and the said bake-shop shall include also any room or rooms used for storing the confectionery, bread, cakes, biscuits and other food products. After defining the words "inspector," "employer," and "week," the Act declares that all bake-shops to which this Act applies shall be constructed as to lighting, heating, ventilating, draining, in such a manner as not to be detrimental or injurious to the health of any person working therein, and shall also be kept at all times in a clean and sanitary condition, so as to secure the production and preservation of all the food products thereof in a good, wholesome condition; every bake-shop shall be provided with a proper wash-room, closet and other conveniences necessary for the health and comfort of the persons employed therein; the wash-room, closet, and other conveniences to be separate from the bake-shop; and such wash-room, closet, and other conveniences shall be kept clean and in a sanitary condition; the sleeping place or places of the employees of every bake-shop shall be entirely separate from the bake-shop, and no person shall be allowed to sleep in such bake-shop; every bake-shop shall be provided with proper means and facilities of escape in case of fire, such

means or facilities to be to the satisfaction of the Inspector empowered by this Act to inspect such bake-shops; no employer shall require, permit or suffer any employee in any bake-shop to work more than sixty hours in any one week, except by permission of the Inspector, given in writing to the employer; and no employee shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease; and every employer is thereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such products. The Act was further amended in 1901.

AN ACT TO AMEND THE ONTARIO SHOPS REGULATION ACT.

Section 13 of the Ontario Shops Regulation Act is amended by adding thereto the following sub-sections:

(3) The owner of every shop shall be held responsible for the providing of the sanitary conveniences provided under sub-section (2) of this section, and on failure or refusal to provide the same within two months after receiving written notice from the Inspector, shall be liable on conviction to a fine of not more than \$500. or in default of payment of the same, shall be imprisoned for a period of not more than twelve months.

(4) Where grinding, polishing or buffing is carried on in any shop, the provisions of section 16 of the Ontario Factories Act shall apply to such shop.

(2) Section 39 of the Ontario Shops Regulation Act is repealed and the following substituted therefor:

(39) No employer shall require, permit or suffer an employee in any bake-shop to work on Sunday, nor for more than twelve hours out of every twenty-four hours commencing at the time when the employee commences work, nor more than twelve hours in any one week, to be computed as commencing on Sunday and ending on Saturday, both days inclusive, except by permission of the Inspector given in writing to the employer; and a copy of such permission shall be posted in a conspicuous place in the bake-shop.

BARBER SHOPS.

(3) The said Act is further amended by adding thereto the following as sections 45 and 46.

(45) No employer shall require, permit or suffer any employee in any barber shop to work on Sunday, and no proprietor of any barber shop shall open his barber shop or permit the same to be opened to the public or carry on any business or work therein at any time between the hours of 12 o'clock on Saturday night and 12 o'clock Sunday night.

(46) Any employer or any proprietor of a barber shop who violates the provisions of the preceding section shall, on conviction thereof, be liable to a penalty of not less than \$20 besides cost and not more than \$50 besides costs, and in default of payment of the same shall be imprisoned for a period of not less than thirty days and not more than six months.

MUNICIPAL ACT.

Many amendments have been enacted from time to time by the Liberal Government to the Municipal Act, looking to the better protection and general interests of labor, among which may be cited the following:

"This Act provides that the hours for the nomination of candidates for the offices of aldermen in cities may, by by-law, be fixed at half-past seven o'clock in the evening, and for polling from nine in the morning until seven o'clock in the evening. This latter provision applies only to cities of 100,000 inhabitants and over. A by-law to extend the time of holding the election until seven o'clock in the evening must be passed before the fifteenth day of November of the year in which such a by-law is to take effect. In all other cases the polls shall be opened at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon and no longer."

POWERS OF COMMISSIONERS AS TO LIVERY STABLES, ETC.

The Board of Commissioners of Police shall, in cities, license and regulate second-hand shops and junk stores, and the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles regularly used for hire within the said city, and shall establish the rates of fares to be taken by the owners or drivers of such vehicles for the conveyance of goods or passengers from any point within the city to any point not more than three miles beyond the limits of such city, and may provide for enforcing such rates.

The Board of, etc., in any city shall pass by-laws regulating the hours of labor of persons employed in livery or boarding stables, or as drivers of cabs, carriages or sleighs kept for hire within the city, and also the hours of labor of persons employed by owners of horses, carts, etc., kept for hire within the city, and for licensing drivers of cabs within the said city.

The Board, etc., shall also regulate and control children engaged as

- (a) Express or despatch messengers;
- (b) Vendors of newspapers and small wares;
- (c) Bootblacks.

PROTECTION OF WORKMEN AND OTHERS ON BUILDINGS.

By-laws may be passed by the councils of municipalities, townships, cities, towns and villages for inspecting and regulating the construction and erection of hoists, scaffoldings, and other constructions used in erecting, repairing, altering or improving buildings, chimneys or other structures; and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon; and for appointing inspectors of scaffolding.

EGRESS FROM AND CONSTRUCTION OF BUILDINGS.

By-laws may be passed as above for regulating the number of doors on churches, theatres, halls or other buildings used for worship, public meetings or places of amusement, and the street gates leading thereto; and the construction and width of stairways, in churches, etc., and in factories, warehouses, hotels and boarding houses; and also the size and number of doors and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and railings in all such buildings, and the strength of beams, walls and joists and their supports, and for compelling the production of plans for inspection, and for enforcing the observance of such regulations. For preventing the obstruction of the halls, aisles, passage-ways, etc., in any such building or leading thereto during the occupation of the same by any public assemblage.

HOISTS AND ELEVATORS.

For licensing and inspecting elevators and hoists for passengers or freight, used by the public or by employees, and for imposing and enforcing penalties for the infringement of such by-laws, and for prohibiting and preventing the use of elevators and hoists contrary to the provisions of such by-law. But the provision in this clause contained shall be subject to the Ontario Factories Act and of any other Act making provisions applicable to elevators and hoists.

BY THE COUNCILS OF CITIES, TOWNS AND VILLAGES

For regulating the construction of cranes, hoists and elevators, and for determining the manner in which elevators in buildings shall be constructed and worked, and for providing for the inspection of all cranes, etc., but none of the provisions of such by-laws shall be inconsistent with the Ontario Factories Act so far as the same provides for the regulation or construction of cranes, etc.

CAB STANDS AND BOOTHS.

By-laws may be passed by the councils of cities, etc., for authorizing and assigning stands for vehicles kept for hire on the public streets and places; and for the erection and maintenance of covered stands for booths on streets, etc., and for the protection or shelter of the drivers of such vehicles. Provided that no such booth shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting or adjoining such stand or booth.

ELECTRIC STREET RAILWAYS.

By-laws may be passed by the councils of cities for compelling every electric railway company, operating its railway within the limits of such city, to provide proper and sufficient enclosed vestibules upon its street cars to protect the motormen and persons in charge of such cars, from exposure to cold, snow, rain or sleet, during the months of November, December, January, February and March in every year, while engaged in operating the cars.

SCHOOLS FOR ARTISANS.

By-laws may be passed by the councils of municipalities counties, cities and towns for establishing schools for the training and education of artisans, mechanics and workmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools; and the erection and maintenance of suitable buildings thereon; and for improving and repairing such school buildings, and for disposing of such property when no longer required. Councils establishing such schools may appoint boards of trustees to conduct the schools, giving them such authority as the councils may deem expedient.

For making grants in aid of such schools, or to art schools approved by the Department of Education, as they may deem expedient.

STREET RAILWAYS—LIEN FOR WAGES.

Every mechanic, laborer or other person who performs labor for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by the Mechanics' and Wage-earners' Lien Act.

WORKMEN ALLOWED TIME TO CAST THEIR VOTES.

To many persons entitled to vote in cities and towns, where during the whole of the hours of polling they are employed at a distance from their voting places, polling their votes is a matter of loss and difficulty. With a view to removing this obstacle the Legislature, in the session of 1886, enacted that any voter entitled to a vote within a city or town, shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment for the two hours between twelve and two in the middle of the day, without making himself "liable to any penalty or to suffer or incur any reduction" of wages, provided that, if his employer requires him to do so, he shall afterwards make up for his absence by an hour of extra work.

REGISTRATION AND INCORPORATION.

In 1892 was passed "an Act respecting Insurance Corporations" in which is provided that "any lawfully incorporated Trade Union in Ontario, which, under the authority of the Incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register." At the session of 1894 of the Legislature, the Government introduced and had enacted into law "an Act respecting Benefit Societies" to be read and construed as one with The Insurance Act, 1892, providing that upon like proceedings, taken as enacted in section 2 of this Act just mentioned, incorporation subject to the same limitation may be granted in either of the two following cases: (a) Where any Trade or Labor Union or organization proposes to undertake contracts with its own members exclusively for any insurance benefits enumerated in sub-section 2, C., of section 4 of the Insurance Corporations Act of 1892, or contracts to furnish tools or to pay unemployed or superannuation benefits to said members; (b) Where any organization of wage-earners consisting of not less than twenty-five members and managed and operated as a friendly society under rules conforming to The Insurance Corporations Act, 1892, proposes to contract with its own members exclusively for sick benefits not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits.

The body so incorporated may, upon due application, be admitted to registry as a friendly society; but, unless and until so registered, the corporation shall not undertake nor agree or offer to undertake, any contract insuring the said or other insurance benefits.

It may be added that the cost of incorporation is but \$1, and that of registration, \$3—for both \$4.

PAYMENT OF WAGES ON PUBLIC WORKS.

The many and serious losses inflicted upon workmen employed upon Public Works from time to time, in various ways, having been brought to the attention of the Government on more than one occasion, it was determined that a law be enacted to safeguard the rights of this class of the general community, a class least able to protect itself under ordinary circumstances. As a consequence, a measure was introduced and enacted into law during the session of the Legislature in 1896, entitled "An Act to secure Payment of Wages for Labor Performed in the Construction of Public Works," of which the following is a synopsis:

(1) Where the contractor for the construction of a public work under contract with the Government, or any sub-contractor, makes default in the payment of the wages of his employees (including teams), if the claim for such wages be filed in the office of the Department entering into the contract, within two months after the same became due, and proof is furnished, the Minister may cause such claim to be paid to the extent of any moneys or securities at the time of filing of the claim in the hands of the Government for securing the performance of the contract.

(2) A member of the Government may require the contractor or sub-contractor to file in his office on the fifteenth day of each month a list showing the names, rate of wages, amounts paid, and amounts due and unpaid for wages or labor in respect of the contract. Said list to be attested upon oath or statutory declaration.

(3) In case of default in forwarding such list, the contractor or sub-contractor shall incur a penalty not exceeding one hundred dollars and not less than ten dollars for every day during which default continues, to be determined by the Minister.

(4) Where any subsidy or bonus is granted by the Legislature in aid of the construction of any railway or other work, it shall be deemed a condition of the grant that the Lieutenant-Governor-in-Council may detain so much of the money as may be thought proper to secure the payment of claims for wages.

(5) Every company hereafter incorporated under any general or special Act of the Legislature shall become liable for the payment of wages of all workmen and teams employed in the construction of the work by or for the company, whether the work be done through a contractor or sub-contractor, or otherwise.

(6) In case of default by the contractor of the payment of wages, a notice stating the name of the claimant, and the amount of wages claimed, shall be served upon the company not later than two months after such wages are payable. The notice may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer

representing the company, or by leaving the same with any adult person at the office or domicile of any one of them.

(7) The Act applies to contracts heretofore entered into, and to subsidies or bonuses heretofore authorized by the Legislature as well as those hereafter entered into or authorized.

CERTAIN AGREEMENTS DECLARED NULL AND VOID.

"An Act for the better protection of certain classes of Workmen" (1896), provides among other things, that every agreement or bargain, verbal or written, expressed or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into on the part of any workman, servant, laborer, mechanic or other person employed in any kind of manual labor intended to be dealt with in "The Act respecting Master and Servant," "The Mechanics' Lien Act," "The Woodman's Lien for Wages Act," or any other Act heretofore passed providing remedies for the recovery of wages or otherwise by such employees, by which it is agreed that the said Acts, or any of them, shall not apply, or that the remedies provided for by any of the said Acts shall not be available for the benefit of any person entering into such agreement, is hereby declared to be null and void and of no effect as against any such workman, servant, laborer, mechanic or other person.

LIABILITY OF DIRECTORS OF COMPANIES FOR WAGES. R.S.O., 1897, CAP 191.

The directors of the company shall be jointly and severally liable to the laborers, servants and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet before an execution against the company has been returned unsatisfied in whole, or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors.

THE MINES ACT, 1892.

Under the head of "Employment of Women and Children," section 54 of this very comprehensive Act provides that "No boy under the age of fifteen years shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground, and no girl or woman shall be employed at mining or allowed to be for the purpose of employment at mining work in or about any mine." Another section provides that "A boy or male young person of the age of fifteen and under the age of seventeen years shall not be employed in or allowed to be for

"the purpose of employment in any mine to which the Act applies, for more than forty-eight hours in any one week, or more than eight hours in any one day; that is, (1) the period of such employment shall be deemed to begin at the time of leaving the surface and to end at the time of returning to the surface; and (2) the week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night." Provisions are also made providing for the keeping of a correct register of all boys and male persons employed; that a person in charge of a windlass or gin shall be at least twenty-one years of age; and that in the event of contravention of any of such provision by any person whomsoever in the case of any mine, the owner and agent of any such mine shall each be guilty of an offence against this Act, unless he proves that he had taken certain specified precautions. It is also provided in this Act that no wages shall be paid to any person employed in or about any mine to which the Act applies, at or within any public-house, beer shop or place for the sale of any spirits, wine, beer or spirituous or fermented liquor, or other house of entertainment, or any office, garden or place belonging or contiguous thereto or occupied therewith. Very definite and detailed provisions for the prevention of accidents and penalties for neglecting or contravening the same are also included.

"An Act to make further provisions respecting Mines and Mining," (1896), repeals certain sections of previous Mines Acts, and substitutes the following for section 53 of the Mines Act, of 1892. (53) This part shall apply to all mines, quarries and pits, and oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works, shall observe and keep the provisions of this part, and in case of non-observance thereof shall incur the penalties provided therefor by section 69 of the Mines Act, 1892.

LIABILITY OF DIRECTORS OF MINING COMPANIES FOR WAGES. R.S.O. 1897, Cap. 197.

All mining companies in force in Ontario shall be subject to the provisions of this Act.

The directors of a company shall be jointly and severally liable to the laborers, etc., for all debts not exceeding one year's wages due for services performed; but no director shall be liable to an action therefor unless the company has been sued therefor within one year after the debt became due, nor yet before an execution against the company has been returned unsatisfied in

whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors.

TECHNICAL SCHOOLS.

"An Act respecting Technical Schools, 1897." This Act, after defining how and upon what conditions technical schools may be established in Ontario, provides that the provisions of the High School Act, 1896, shall apply to technical schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualification of teachers, the use of text books, and the equipments of the school. The condition on which money is voted by the Legislature for High Schools shall apply to all appropriations made to technical schools. It shall be lawful for the municipal corporations of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a technical school for adults within the meaning of this Act. All the powers vested in the corporation by the Municipal Act, for the purchase or expropriation of lands, or for leasing or repairing buildings, or for the erection of new buildings for the use of the municipality, shall be applicable to this Act. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department. The general management and control of the school for adults shall be vested in and exercised by a board of management to be appointed as provided in section 3 of the Public Libraries Act, 1895. In cities and towns in which a public library has been established under Part I, of the said Act, technical schools for adults shall be under the management and control of the board of such library; provided always that any technical school already established under by-law of a municipality may be carried on under such by-law during the pleasure of the Municipal Council, subject to regulations of the Education Department.

IMPORTED CONTRACT LABOR.

With a view to the protection of the Ontario laborer from the oppressive competition of certain classes of foreigners, whom it is the custom to bring into the country under agreements which virtually prevent them from being free agents in the disposal of their services, the Legislature in the Session of 1886, enacted as follows:—

"Any agreement or bargain, verbal or written, expressed or implied, which may hereafter be made between any person and any other person not a resident of Canada, for the performance of labor or service, or having reference to the performance of labor or service by such other person in the Province of Ontario, and made as aforesaid, previous to the migration or coming into Canada of such other person, whose labor or service is contracted for, shall be void and of no effect as against the person only so migrating or coming."

This enactment leaves the imported foreign laborer, who comes into Ontario on the strength of a previous agreement, free to break his agreement after he arrives here, if he sees fit to do so, while if he chooses to observe the agreement on his part, he can hold his employer to it also. The object of this legislation is to discourage the practice of advancing money to foreign laborers to pay their passage into this Province, by making it impossible for the employer to recover the sum advanced if the employee sees fit to break his engagement. No more effective means could be devised.

IMMIGRATION OF CHILDREN.

R.S.O. 1897, Cap. 262, provides that no child shall be brought or caused to be brought into the Province of Ontario by any society or agent, or by any person other than the parent of the child, or persons standing *in loco parentis* to such child, from any port in Great Britain or Ireland, unless a certificate has first been obtained from an examiner stating that he has satisfied himself that the child named in the certificate has not been convicted of any crime, nor displayed any criminal tendencies, and that in other respects he is a child who may lawfully be brought into the Province.

Every society or agent shall maintain a careful supervision over every child caused by them to be brought into the Province, until such a child attains the age of eighteen years, and shall provide a permanent home or shelter, to which such child may be returned after being placed out in a foster-home or as an apprentice, if the person with whom the child is placed is unable or unwilling to retain the custody of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster-homes or as apprentices, and every such person shall, when so required by the society or agent, furnish full particulars as to the health, conduct, progress and welfare of such child.

Any complaints received that a child placed out in a foster-home or as an apprentice is being ill-treated or overworked, etc., shall be immediately investigated by the society or agent, and the necessary steps taken to protect the child from future ill-treatment or neglect.

Every society or agent having the custody of any child brought into the Province shall be entitled to send such a child to the public or separate schools of the municipality in which the child resides, in the same manner as the child of any ratepayer.

If any child hereafter so brought into the Province of Ontario, within three years thereafter, becomes dependent on public or private charity, the society or agent, if so ordered by the Inspector, shall pay to the Province or to any person maintaining the child, the cost of the maintenance of the child, and may be required to return the child to the place from which it came into this Province.

Any society or agent who brings into the Province any child, who, from defective intellect, or disease or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or whose parents have been criminals, lunatics or idiots, or weak-minded, or defective constitutionally, or confirmed paupers, or diseased, shall be liable to a penalty of not more than \$100 or less than \$10, and in default of payment shall be imprisoned for any period not exceeding three months.

ADMINISTRATION IN FAVOR OF LABOR.

It is not only in legislation that the Government have safeguarded labor, but they have extended the principles of approved labor legislation into their administrative Acts. For instance, amongst others they have introduced the nine-hour system, and, in some cases, the eight-hour system, where mechanics and other skilled workmen are employed on works under the immediate direction of the Public Works Department at Toronto, and this extends also to laborers employed upon like works.

In letting the contract to the lowest tenderers for preparing, printing and binding the cash and account books to be used by municipalities and school boards under the new "Municipal Audit Act," they have required the contractors:—

- (a) To perform all the work in Ontario.
- (b) To pay the highest or union wages for all work to be done under the contract.

On April 4th, 1900, the following resolution was passed by the Legislature of Ontario:—

"Resolved, that in the opinion of this House, all Government contracts should contain such conditions as will prevent abuses which may arise from the sub-letting of such contracts, and that every effort should be made to secure the payment of such wages as are generally accepted as current in each trade for competent workmen in the district where the work is carried out, and that

this House cordially concurs in such policy, and deems it the duty of the Government to take immediate steps to give effect thereto; and it is hereby resolved that the work to which the foregoing policy shall apply includes not only work undertaken by the Government itself, but also all works aided by a grant of provincial public funds, and that the aforesaid policy shall be forthwith applied to every department of the public service, and to all parties now performing services for the Government. That this House is further of the opinion that in all appropriate cases the legislation of this House should be in harmony with this resolution."

Consistent with the foregoing resolutions, the conditions implied therein have been embodied in public contracts, also when public funds have been voted in aiding railroads, as the following will indicate :—

An Act Respecting Aid to Certain Railways, S.O., 1901, Chap. 22, contains clauses for the protection of workmen engaged thereon, as follows :

8. The workmen, laborers or servants employed on or about the construction of the said railway, each of them shall be charged fair and reasonable prices for any board, provisions, clothing and other necessities of life and reasonable comfort, supplied by the company, their agents or any person or persons authorized by the said company to supply such goods and accommodation, and upon the breach of any of the provisions of this section or in the event of exorbitant charges being made by the railway company, their agents or other person or persons authorized by the railway company, there may be deducted and retained from moneys payable in respect of such unearned subsidy, or hereafter to be granted subsidy, such amount as the Lieutenant-Governor-in-Council may think proper.

(12) The Lieutenant-Governor-in-Council may instruct the Secretary of the Provincial Board of Health to enforce such reasonable sanitary regulations on the works and in the camps connected therewith during the construction of the said railways as may be deemed necessary to maintain proper sanitary conditions and accommodation, and contractors shall have at such camps a tent and stove, where in case of emergency a patient suffering from a contagious disease may be isolated at once, so as not to endanger the men in the camp.

18. All the provisions of the "Act to secure payment of wages for labor performed in the construction of public works," of the "Act respecting subsidies to railways and to encourage the manufacture of railway steel and iron in the Province," and of "The Ontario Railway Act," shall apply to the subsidies granted by this Act, and the wages paid on any of the said works shall be such as are generally accepted as current for competent workmen in the respective districts where such railways are to be constructed.

SANITARY REGULATIONS IN UNORGANIZED LOCALITIES.

Due attention has also been given to territories at present unorganized, as the following Act testifies, which was passed by the Legislature in 1901 :

An Act Respecting Sanitary Regulations in Unorganized Territories, provides that the Lieutenant-Governor may from time to time make regulations applicable only to those parts of the Province which are without municipal organization :

(1) Respecting any particular industry and the conditions under which the same may be carried on, for the purpose of preventing nuisances and the outbreak and spread of disease.

(2) For the cleansing, regulating and inspection of lumbering camps, mining camps, and railway construction, and other places where labor is employed.

(3) For providing for the inspection of houses and premises.

(4) For providing for the employment of duly qualified medical practitioners by employers of labor in lumber and mining camps and railway construction and other works where labor is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

ONTARIO LEADS.

The Liberal Government, true to their progressive policy, was the first Province in the Dominion to establish a Labor Bureau. By an Act of 1900, the following passed into law :

S.O., 1900, Cap. 14.

1. There shall be attached to the Department of the Commissioner of Public Works a bureau, to be styled "The Bureau of Labor."

2. The Lieutenant-Governor may appoint a Secretary of the said Bureau, and may also appoint such other officers as may be necessary for the proper conduct of the Bureau.

3. It shall be the object of the Bureau to collect, assort and systematize and publish information and statistics relating to employment, wages and hours of labor throughout the Province—co-operation, strikes, or other labor difficulties, trades union, labor organizations, the relations between labor and capital, and other subjects of interest to workingmen, with such information relating to the commercial, industrial and sanitary condition of workingmen, and the permanent prosperity of the industries of the Province, as the Bureau may be able to gather.

PROGRESSIVE LEGISLATION.

During the session of 1902, an Act was passed amending the Trades Dispute Act of 1890, vesting the Registrar under the Act with power, upon the solicitation of either parties to a threatened

or pending dispute, or by the Mayor or Reeve of the City or Town where the dispute is threatened or pending, to endeavor to bring the parties together with a view to bringing about an amicable settlement. The following is the Act:

1. Section 4 of the Trades Disputes Act is amended by adding the following sub-sections:

"(4) If any difference shall arise between any corporation or person employing ten or more employees and such difference threatening to result or resulting in a strike on the part of such employees or a lockout on the part of such employer, it shall be the duty of the Registrar, when requested in writing to do so by five or more of the said employees, or by the employers, or by the Mayor or Reeve of the municipality in which the industry is situated to visit the place of such disturbance and diligently seek to mediate between such employer and employees.

"(5) It shall be the duty of the Registrar to promote conditions favorable to a settlement by endeavoring to allay distrust, to remove causes of friction to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to strikes or lock-outs." That the foregoing measure is appreciated by the labor organizations is evidenced by the fact that during its passage through the Legislature letters of endorsement were received by the promoter of the bill, Mr. T. H. Preston, M.P.P., from the Ontario Executive Committee of the Trades and Labor Congress of Canada, the Legislative Committee of the Toronto Trades and Labor Council, from the National Association of Marine Engineers, also from a number of local organizations throughout the Province.

Several years ago Mr. A. W. Wright, a well-known Canadian Conservative, and the Commissioner appointed by the Conservative Government of Canada, in 1895, to inquire into the existence, or otherwise, of the "sweating" system in the Dominion, and one of the present organizers of the Conservative party, while a member of the Executive Board of Knights of Labor of America, from Philadelphia, Pa., voluntarily, and evidently with pride, took occasion to say:—"While there is still a good deal of legislation which we labor cranks think should be enacted, I am free to say that Ontario has not much to learn from any State in the Union in this respect, and is immeasurably in advance of most of them." How much more justifiable are these truthful remarks of Mr. Wright in the light of Ontario's Labour Legislation to date.